

United States District Court

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

for the

Dec 20, 2017

Eastern District of Washington

SEAN F. McAVOY, CLERK

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Dustin W. Rhodes

Case Number: 0980 2:15CR00144-SMJ-12

Address of Offender: Unknown

Name of Sentencing Judicial Officer: The Honorable Salvador Mendoza, U.S. District Judge

Date of Original Sentence: May 12, 2016

Original Offense: Conspiracy to Commit Bank Fraud, 18 U.S.C. § 1349

Original Sentence: Prison - 121 days
TSR - 24 months

Type of Supervision: Supervised Release

Revocation Judgment: Prison - 4 months
May 18, 2017 TSR - 24 months

Asst. U.S. Attorney: Allyson Edwards

Date Supervision Commenced: August 7, 2017

Defense Attorney: Federal Defenders Office

Date Supervision Expires: August 6, 2019

PETITIONING THE COURT

To issue a warrant and to incorporate the violation(s) contained in this petition in future proceedings with the violation(s) previously reported to the Court on 12/06/2017.

The probation officer believes that the offender has violated the following condition(s) of supervision:

Violation Number Nature of Noncompliance

2

Standard Condition # 2: After initially reporting to the probation office, you will receive instructions from the court or the probation officer about how and when you must report to the probation officer, and you must report to the probation officer as instructed.

Supporting Evidence: On August 7, 2017, the offender reported to the United States Probation Office for the purpose of an intake. It was at that time the offender was informed of all mandatory, standard, and special conditions of supervised release. The offender acknowledged he understood his obligation to the Court.

Mr. Rhodes has failed to report to the probation officer as instructed, and appears to be evading supervision.

On December 13, 2017, the undersigned officer placed a call to Mr. Rhodes in reference to recent noncompliant behavior. A voice mail was left for Mr. Rhodes directing him to contact

Re: Rhodes, Dustin W.

December 19, 2017

Page 2

the undersigned officer at his earliest convenience. On December 14, 2017, a text message was sent to Mr. Rhodes' phone directing him to contact the undersigned officer, as he failed to contact the undersigned officer after a voice mail directed him to do so on December 13, 2017. On December 18, 2017, a collateral phone call was placed to Mr. Rhodes' mother, in which Mrs. Rhodes stated Mr. Rhodes had been staying in Spokane with a friend since approximately December 14, 2017. The undersigned requested that Mrs. Rhodes have Mr. Rhodes report to, and/or contact, the undersigned. Mrs. Rhodes stated she would relay the message to Mr. Rhodes. As of this writing, Mr. Rhodes has failed to report and or contact U.S. Probation as directed, and his current whereabouts are unknown.

- 3 **Standard Condition # 7:** You must work full time (at least 30 hours per week) at a lawful type of employment, unless the probation officer excuses you from doing so. If you do not have full-time employment you must try to find full-time employment, unless the probation officer excuses you from doing so. If you plan to change where you work or anything about your work (such as your position or your job responsibilities), you must notify the probation officer at least 10 days before the change. If notifying the probation officer at least 10 days in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.

Supporting Evidence: On August 7, 2017, the offender reported to the United States Probation Office for the purpose of an intake. It was at that time the offender was informed of all mandatory, standard, and special conditions of supervised release. The offender acknowledged he understood his obligation to the Court.

Mr. Rhodes failed to notify the undersigned officer that he is no longer employed with Luigi's Italian Restaurant at least 10 days before this change.

On December 18, 2017, the undersigned placed a phone call to Luigi's Italian Restaurant and spoke with the restaurant manager. At that time, it was ascertained that Mr. Rhodes was no longer an employee of Luigi's Italian Restaurant as of approximately 3 weeks prior and or longer than 10 days ago.

- 4 **Special Condition # 1:** You shall undergo a substance abuse evaluation and, if indicated by a licensed/certified treatment provider, enter into and successfully complete an approved substance abuse treatment program, which could include inpatient treatment and aftercare upon further order of the Court. You shall contribute to the cost of treatment according to his ability to pay. You shall allow full reciprocal disclosure between the supervising officer and treatment provider.

Supporting Evidence: On August 7, 2017, the offender reported to the United States Probation Office for the purpose of an intake. It was at that time the offender was informed of all mandatory, standard, and special conditions of supervised release. The offender acknowledged he understood his obligation to the Court.

Mr. Rhodes has failed to complete treatment, and is considered noncompliant with his substance abuse treatment program.

On November 30, 2017, a U.S. probation officer received notification from Mr. Rhodes' substance abuse counselor, that the client was being discharged from intensive outpatient services with Alcohol Drug Education Prevention and Treatment (ADEPT). According to the

Re: Rhodes, Dustin W.

December 19, 2017

Page 3

substance abuse counselor, it was recommended that Mr. Rhodes be enrolled in inpatient treatment due to recent and continued substance abuse. Furthermore, the counselor stated Mr. Rhodes would be allowed to remain in outpatient treatment until he was assigned a date to begin inpatient treatment. Mr. Rhodes advised U.S. Probation that he was willing to attend inpatient treatment to address his substance abuse issues. On December 8, 2017, Mr. Rhodes failed to show to an appointment at ADEPT for the purpose of securing services for inpatient treatment. ADEPT informed the undersigned that their attempts to contact Mr. Rhodes have been unsuccessful and he failed to show to his subsequent treatment groups.

- 5 **Special condition # 3:** You shall abstain from the use of illegal controlled substances, and shall submit to urinalysis testing (which may include urinalysis or sweat patch), as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from these substances.

Supporting Evidence: On August 7, 2017, the offender reported to the United States Probation Office for the purpose of an intake. It was at that time the offender was informed of all mandatory, standard, and special conditions of supervised release. The offender acknowledged he understood his obligation to the Court.

On September 5, 2017, Mr. Rhodes was advised that he would be on the urinalysis testing program at ADEPT in Deer Park, Washington, in conjunction with his outpatient treatment. Mr. Rhodes was further advised he would be on urinalysis testing color brown. He was directed to call the testing line every day, and was to report to ADEPT on the days that brown was called, in order to submit a urine sample for testing. Mr. Rhodes acknowledged an understanding and agreement to this process.

On December 7, 2017, Mr. Rhodes' urinalysis sample tested presumptive positive for methamphetamine.

On December 13, 2017, Mr. Rhodes failed to report to ADEPT for his urinalysis without being excused from U.S. Probation.

The U.S. Probation Office respectfully recommends the Court to incorporate the violation(s) contained in this petition in future proceedings with the violation(s) previously reported to the Court, and that the Court issue a warrant.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: 12/19/2017

s/Jonathan C. Bot

Jonathan C. Bot
U.S. Probation Officer

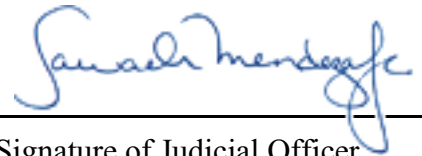
Re: Rhodes, Dustin W.

December 19, 2017

Page 4

THE COURT ORDERS

- ☐ No Action
- ☒ The Issuance of a Warrant
- ☐ The Issuance of a Summons
- ☒ The incorporation of the violation(s) contained in this petition with the other violations pending before the Court.
- ☐ Defendant to appear before the Judge assigned to the case.
- ☒ Defendant to appear before the Magistrate Judge.
- ☐ Other



Signature of Judicial Officer

12/20/2017

Date